



# Staff Report

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**To:** Mayor and Council

**From:** Sasha Helmkey-Playter, Clerk/Director of Legislative Services

**Meeting Date:** July 22, 2024

**Subject:** Report # LS-024-2024 – Procedure By-law Review – Process & Council Feedback

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## Recommendation

Be It Resolved that Council of the Township of Clearview hereby receive report LS-024-2024 (Procedure By-law Review – Process & Council Feedback) dated July 22, 2024; and,

- 1) That Council provide their comments and feedback on the Draft Procedure By-law, attached as Appendix B to this report, to the Clerk by August 6, 2024.

## Background

At the May 27, 2024, meeting, Council approved remaining with the current Regular Council meeting structure and directed staff to begin the process of updating the current Procedure By-law 12-19. For reference, attached as Appendix A is the consolidated version of By-law 12-19.

Every municipality is legislated under the Municipal Act, 2001, to have a procedure by-law to govern the proceedings of Council and committees and boards of the municipality. Essentially, the document guides the order and dispatch of business at a meeting. The Township's current Procedure By-law was approved in 2012, with amendments made over the last (12) twelve years to address legislative changes and practical procedural updates. The Procedure By-law covers the proceedings of Council meetings and Township committee and board meetings, except for the Library Board, OPP Detachment Board and the Committee of Adjustment.

It is good practice to consistently review this guiding document for efficiencies and effectiveness. The Procedure By-law is a living document and feedback on how it works in practice is vital.

## Comments and Analysis

Since it has been twelve (12) years since the passing of the current Procedure By-law, a complete review and proposal of a new by-law is appropriate. This allows the opportunity to re-format the by-law, properly incorporate amendments made over the

last decade, and to make further housekeeping changes which were not pertinent at the time to make a formal amendment.

## **New Draft Procedure By-law**

To begin the process of updating the Procedure By-law, staff reviewed the current By-law 12-19 for sections that were no longer needed/are not relevant, updates that could be made to existing sections, new sections to be added, and ways to better organize the overall layout of the Procedure By-law. From this review, staff drafted a new Procedure By-law that encompasses much of the same content as the current version, with a few additions/deletions and clarification (additional wording) in different sections. Attached as Appendix B is the draft version of the new Procedure By-law. This draft will be the discussion point at the Special Meeting with Council to review the sections and gather feedback. At a high level, below are new/updated sections to the Procedure By-law that are worth highlighting to provide context to the changes.

- **Organization of the By-law**

The new Procedure By-law has been re-organized with 9 key headings and subheadings under each. The reason for reorganization was to make referring to specific procedures easier, based on whether it dealt with motions, meetings, agenda preparation, etc. Also, the use of headings and subheadings is best practice when creating accessible documents.

- **Under General Provisions - Rules of Procedure**

For Rules of Procedure, it has been added that each Member has the right to an efficient meeting and to be treated with courtesy and respect. It reiterates the decorum and professionalism of the meeting process.

- **Under Roles & Responsibilities - Mayor, Council, Council Rep on Committees, CAO, Clerk, Public**

Added the broad roles and responsibilities of the Mayor, Council as a whole, the responsibilities of Council Representatives on Committees/Boards as well as the duties of the CAO and Clerk. At a high level, this articulates the responsibilities of each and the expectations. Additionally, Conduct of the Public has been added to this section to clearly outline how public members shall act when attending meetings to ensure decorum.

- **Under Council Meetings - Participation in Electronic Meetings**

Participation in Electronic Meetings was an amendment made to the current Procedure By-law back in 2020, allowing for meetings to be conducted virtually or by teleconference. The only new additions that have been added to this section is the clarification that participation in closed sessions can be done electronically, how to vote in an electronic meeting, and what to do if quorum is lost due to technical difficulties. As

well, we have changed the term “Emergency Meeting” to “Priority Meeting” to better represent what these types of meetings are used for. These additions will help to strengthen this section of the By-law.

- **Under Council Meetings - Recording Meetings**

With virtual meetings being livestreamed through YouTube it has helped increase public accessibility to Council meetings. In anticipation that recording of meetings will continue beyond the virtual setting, a provision has been added that the Township can record Council meetings by video and livestream whenever practical. This ensures that it is covered under our Procedure By-law but there is an understanding that not all meetings may be recorded, dependant on different factors i.e. location. It has also been clarified in this new section that the recording is not the official record of the Meeting, only the minutes are. As well, any media or the public who want to record a meeting cannot be disruptive to the proceedings and their location of their equipment is at the discretion of the Chair.

- **Under Closed Session Meetings – Recording of Meeting**

Majority of this section is covered within the current Procedure By-law; however, it has been reformatted to have its own section in the new By-law and to add in provisions regarding the minutes of the meeting and recordings. At the discretion of the Clerk closed session meetings can be audio or video recorded. This is not currently in practice at the Township however, if new equipment allows for this to occur it is already covered under the By-law. It is also specified under this section what entities have access to these recordings and how they would be stored to ensure confidentiality.

- **Under Committees & Boards – Notice of Meetings and Procedural Rules**

A few new sections have been added under Committees and Boards which includes notice of meetings, outlining the best practice for agendas to be posted publicly before the meeting. Procedural rules have been included to explicitly state that Committees and Boards shall follow the rules contained in the Procedure By-law unless otherwise stated in their terms of reference. This has always been the practice but not formally written. Council Representative appointments to the committees/boards has been clearly outlined, as well as how recommendations are made to Council from the advisory committees/boards.

- **Under Council Meeting Agendas – Amendments to the Agenda, Deputations & Presentations, Council Reports & Community Announcements, Request for Clarification**

A few updates have been made under Council Meeting Agendas to help clarify the process. Amendments to the Agenda previously have been referred to as on “desk items” or “addendum items” and required the majority vote of Council to add to the agenda. To promote business continuity, the more common practice at municipalities have been that the Clerk has the discretion to make amendments to the agenda. This new provision has been added to the By-law with the inclusion that the Mayor will be notified of the amendment prior to posting and that consideration will be given to the timeframe to which Members have the opportunity to sufficiently review the new information.

For Delegations and Presentations an update has been made to this section advising that upon hearing a presentation, Council is not obligated to make any decisions or formally approve any recommended action provided by the presenter. This gives time for Members to digest the information being provided and possibly provide direction to staff to bring a follow-up report to a future meeting looking for direction. However, there is the provision that if Council for any reason feels that it can proceed with a recommended action at the same meeting, it would require a majority vote of Council to allow that to occur.

Additionally, it has been outlined in the new By-law what the intent of Council Reports and Community Announcements (Ward Reports) are. It is helpful to have some guidance on this section so Members understand what type of information to share under announcements, especially when a Council is newly elected. For Council Member reports, the By-law now outlines those reports are to be provided to the Clerk by noon, the Monday before the meeting. This has always been the practice but now it is formally written. Under the Order of Business, Community Announcements has been moved to the bottom of the Agenda. This change has been made to be cognizant that Township consultants do attend the Council meetings to be present for questions that arise from a staff report, and the meeting can be prolonged with announcements being before Department Reports.

Under the Public Meetings subsection further clarification has been provided in the new By-law regarding the timeframes provided to members of the public who are addressing Council in person. Although there is no prescribed time limit at a meeting for a member of the public to speak, parameters have been included in the By-law providing the Chair at their discretion, the ability to limit a person’s time if no new information is being provided within their comments. Where a written submission of comments from a member of the public has been provided to the appropriate department responsible for the Public Meeting, and they still wish to present their comments orally as well, the Chair can request that any of their oral comments that reflect their written comments, be

a summary. Each member of the public shall only be provided one opportunity to present their comments orally. When an organization or group is providing comments orally, they shall appoint one person to present their comments. This is a fair approach and assists in meeting efficiency while still providing the opportunity for everyone who wants to provide comments the ability to do so.

The last addition to this heading is the encouragement of Council Members to contact senior managers prior to a meeting to ask questions or seek clarification on an agenda item. This has been the practice in the past but something that has now been written to help foster the professional relationship with Council and staff. This procedure is helpful to ensure staff will be able to effectively answer questions at a Council meeting if asked, especially if there is public interest.

- **Under Motions – Option Motions, Voting on Motions, Amendments to Motions, Motion to Reconsider, Tie Votes**

Something that has been utilized more and more by municipalities including Clearview, is Option Motions. To assist in dealing with these motions procedurally, it has been included in the new Procedure By-law. It is outlined that the Mayor will read aloud the motion outlining the different options to choose from, and then the options can be open to discussion without a mover and a seconder. Once discussion has occurred, the Chair will ask for a mover and a seconder for one of the options to complete the motion. Providing this discussion before an option is chosen gives Members the opportunity to see where each other may sit on an option. Then once discussion has occurred, an option can be moved and seconded for Members to discuss the motion in its entirety and vote on it.

The procedure for voting on motions is included in the current Procedure By-law, but a section has been added advising that a motion can be voted against by the mover and the seconder. This has been the practice but is now formally outlined. For example, a Member may just move or second a motion to get it on the floor for discussion to occur, or they may change their position after they have heard the discussion causing them to vote against the motion.

For clarification, some parameters regarding Amendments to Motions have been added. This includes that only one amendment can be presented to a main motion at one time. This is practice under Roberts Rules of Order but sometimes can be forgotten when discussion is flowing. The first amendment needs to be dealt with before any other amendment can be made. Also, it is outlined that an amendment to a motion cannot negate the intent of the original motion. An example of this is that the amendment cannot be a direct negative of what the recommended action is i.e. it's recommended to purchase an item, and an amendment is made not to purchase the item. The proper procedure in these instances is for the Members to just vote against the original motion, no need to make an amendment. Additionally, how a friendly amendment is dealt with has been added to this section as well as under the Definitions section.

The procedure on how to make a motion to reconsider is included in the current By-law, however, it has been re-worded significantly and more sections added under the new By-law. Specifically, the six (6) month stipulation has been removed and now a motion can only be reconsidered once during the term of Council. This change is important as it provides for a reconsideration while not hampering the movement of Council to proceed forward if the motion was being reconsidered every six months. It is also specified that the whole motion has to be reconsidered not just parts, and only a member who has voted in the majority may move or second the reconsideration. These additions follow Roberts Rules of Order regarding reconsiderations.

Lastly, it has been outlined that when there is a tie vote it is deemed decided in the negative. This has always been a practice of Council as per Roberts Rules of Order, it's now formalized in the By-law.

- **Rules of Debate – Points of Order or Privilege**

Points of Order and Privilege have always been included in the Township's Procedure By-laws but with the new By-law the section has been updated with respect to an appeal of the decision of the Chair.

### **Process for Council Feedback**

With Council receiving this first draft of the new Procedure By-law attached as Appendix B, staff will be requesting that Council provide their feedback over a two-week period from July 23<sup>rd</sup> – August 6<sup>th</sup> outlining any proposed changes to the different sections provided in the new By-law. This can be additions, rewording or proposed removal of sections. The feedback form has been attached as Appendix C to this report. From the feedback received by Council, a special meeting will be called publicly to review the feedback and formalize any further amendments to the new By-law. After this, the proposed By-law and follow-up report will come back to Council at a regular meeting outlining any updates that were made from the special meeting and then seeking direction to present the final by-law at the next regular meeting for approval.

In addition to Council providing feedback, the draft Procedure By-law will also be sent to Township Committee and Board members to provide the opportunity for their feedback. As outlined earlier in this report, the Procedure By-law governs committee and board meetings as well and valuable input can be gained from these meetings and how they function.

### **Financial Implications**

There are no financial implications as a result of this report.

## **Clearview's Strategic Plan**

The above initiative supports the following strategic pillars:

- Communication

## **Report Appendices**

Appendix A – Consolidated Procedure By-law 12-19

Appendix B – Proposed Draft Procedure By-law 24-XX

Appendix C – Council Feedback Form (Procedure By-law Update)

## **Approvals**

**Submitted by:** Sasha Helmkey-Playter, B.A., Dipl. M.A., AOMC,  
Clerk/Director of Legislative Services

**Reviewed by:** Krista Pascoe, Deputy Clerk

**Financial Implications  
Reviewed by:** Kelly McDonald, Treasurer

**Approved by:** John Ferguson, CAO



**CLEARVIEW**

## **By-law 12-19 (Consolidated – as amended)**

**A by-law governing the proceedings of Council and its Committees**

<b>Consolidation</b>		
<b>Amendment No. 1</b>	<b>By-law Number 14-51</b>	<b>June 23, 2014</b>
<b>Amendment No. 2</b>	<b>By-law Number 15-65</b>	<b>August 10, 2015</b>
<b>Amendment No. 3</b>	<b>By-law Number 16-07</b>	<b>January 11, 2016</b>
<b>Amendment No. 4</b>	<b>By-law Number 16-40</b>	<b>April 25, 2016</b>
<b>Amendment No. 5</b>	<b>By-law Number 17-119</b>	<b>December 11, 2017</b>
<b>Amendment No. 6</b>	<b>By-law Number 19-21</b>	<b>February 11, 2019</b>
<b>Amendment No. 7</b>	<b>By-law Number 20-25</b>	<b>March 27, 2020</b>
<b>Amendment No. 8</b>	<b>By-law Number 21-20</b>	<b>February 17, 2021</b>
<b>Amendment No. 9</b>	<b>By-law Number 22-40</b>	<b>May 30, 2022</b>
<b>Amendment No. 10</b>	<b>By-law Number 22-58</b>	<b>July 25, 2022</b>
<b>Amendment No. 11</b>	<b>By-law Number 23-75</b>	<b>August 14, 2023</b>
<b>Amendment No. 12</b>	<b>By-law Number 23-93</b>	<b>October 30, 2023</b>

### **Disclaimer**

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**The Corporation of The  
Township of Clearview**

**By-law Number 12-19**

**"Procedure By-law"**

A By-law governing the proceedings of Council and its Committees

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Whereas pursuant to Section 238(2) of the Municipal Act, 2001, S.O 2001, c.25 every council and local board shall adopt a procedure by-law to govern the calling, place and proceedings of meetings;

Now Therefore the Council of The Corporation of the Township of Clearview enacts as follows:

**1.0 Definitions**

**"Ad Hoc Committee"** means a Committee established by Council to review a specific matter and once it has reported to Council with respect to its findings and recommendations, the Ad Hoc Committee is automatically dissolved, unless Council expressly directs it otherwise

**"Advisory Committee"** means a Committee established by Council to advise on matters for Council's review as contained in Attachment 2 herein. The Advisory Committee may have Sub-Committees that report back to the Advisory Committee.

**"By-Law"** means this Procedure By-Law as amended by Council from time to time.

**"Board"** means a local authority established for the purpose of the Township. It does not mean the Clearview Township Library Board.

**"CAO"** means the Chief Administrative Officer for the Township of Clearview

**"Chair"** means the Mayor or Deputy Mayor or in their absence, a Member of Council appointed by Council or the Member appointed as Chair of a Committee by its Members.

**"Clerk"** means the Clerk of the Township of Clearview or, in his/her absence, such other person as the Clerk has, in writing, delegated such powers to.

**“Committee”** means all Council appointed Advisory, Ad Hoc and Sub-Committees and Boards. It does not mean the Committee of Adjustment or the Clearview Township Library Board.

**“Committee of the Whole”** means a Committee consisting of all Members of Council.

**“Council”** means the Council of the Corporation of the Township of Clearview.

**“Defer, Deferred or Deferral”** when used in conjunction with a matter before the Council or a Committee, means that the matter is to be dealt with at the next Meeting of the same body, or at the Meeting of the same body which is specified in the motion to defer.

**“Head of Council”** means the Mayor.

**“In Camera or Closed Meetings”** means a Meeting of Council or other Committee to which public access is restricted.

**“Meeting”** means any regular, special or other meeting of a Council, of a local board or committee of either of them, where (a) a quorum of members is present, and (b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision making of the council, local board or committee.

**(Amended by By-law 17-119)**

**“Member”** means a Member of Council or a Committee as appropriate in the context.

**“Municipal Act”** means the legislation in the Municipal Act, 2001 as amended, providing the authority to Ontario municipalities to act as the local government and to perform all the attendant duties contained therein.

**“Notice”** means a public notice given in writing, posted on the Township website on the Wednesday prior to the Council meeting, using all reasonable and appropriate means to inform the public of Council and Committee activities.

**“Public Meeting”** means a Meeting held for the purpose of providing information to the public and obtaining public comments. It may be included as part of a regular Council Meeting or be convened, at the discretion of Council, as a Special Council Meeting to consider such matters.

**“Public Participation Period”** means the time set aside in each regularly scheduled Council Meeting agenda during which the attending public may address Council.

**“Quorum”** means a majority of Members.

**“Recess”** means to recess the Meeting for a specified length of time.

**“Special Meeting”** means a Meeting of Council not scheduled in accordance with the approved calendar of regular Council Meetings contained Attachment 1.

**“Refer, Referred and Referral”** when used in conjunction with a matter before Council or a Committee means the matter is referred to the body or person named in the motion to refer, for further consideration and, if so specified, to report back to Council or Committee.

**“Staff”** means officers and employees of the Township.

**“State of Emergency”** means a State of Emergency has been declared in accordance with Section 4 and 7.01 of the Emergency Management and Civil Protection Act”

**(Amended by By-law 20-25)**

**“Table, Tabled”** means to postpone a matter without setting a definite date as to when the matter will be re-discussed.

**“Township”** means the Corporation of the Township of Clearview or the geographic area it represents as the context may require.

**“Workshop”** means an informal gathering of Members of Council for the purpose of training or to receive and discuss information or advice of a general nature involving subject matters of interest to the Members of Council.

## **2.0 Rules and Regulations**

- 2.1 The rules and regulations contained in this By-Law shall be observed in all proceedings of Council and Committees in the dispatch of the business of Council and Committees, except for the Clearview Township Library Board and the Committee of Adjustment, with the changes necessary to give effect thereto.
- 2.2 The rules and regulations contained herein may be suspended by a two-thirds vote of the Members of Council or Committee present at the Meeting, provided that such rule or regulation is not prescribed by statute.
- 2.3 If a matter has been previously considered, it shall not be reconsidered by such body within the next six (6) months after the Meeting at which it was originally considered, without the consent of a majority of the Members present.

- 2.4 Procedural matters not specifically addressed in this By-Law shall be decided by the Chair in accordance with Roberts Rules of Order (Canadian Parliamentary Authority) as far as reasonably practical.
- 2.5 Members of Council, Local Board or Committee may participate on a meeting defined in this by-law electronically, which includes hybrid meetings, if the Chair and members approve this meeting format. It is the responsibility of Council, a Local Board or Committee to ensure that members and the public understand how meetings will be conducted (in-person, electronic, hybrid), respecting public participation rules during an open meeting.

No member of council, a local board or committee shall participate in a meeting defined in this by-law electronically except where:

**(Amended by By-law 17-119)**

- (a) A State of Emergency has been declared in accordance with Sections 4 and 7.0.1 or the *Emergency Management and Civil Protection Act*; or
- (b) It is not safe or possible to attend an in person meeting due to a natural weather event or health and safety restrictions as determined by the DAO in consultation with the Mayor/Chair, as well as any restrictions or guidelines set out by the Simcoe Muskoka Health Unit the Ontario Provincial Police or the Province of Ontario.

### **3.0 Meetings**

#### **3.1 Inaugural Council Meeting**

The inaugural Meeting of Council shall be held the first Monday in December following an election at 7:00 p.m. in the Council chambers subject to the requirements of the Municipal Act, or at such time as may be fixed by resolution.

#### **3.2 Regular Council Meetings**

- a) Meetings of the Council shall be held at the Council Chambers in the municipal administration centre. Notwithstanding this, Council meetings may from time to time, take place at another meeting location, including outside of the municipality, if Notice is given.
- i) Notwithstanding section 3.2(a), and as permitted in section 2.5 of this by-law, Council, Board and Committee meetings can be held electronically provided adequate notice is given. This applies to all regular, special, emergency and closed session of council, local board and committee meetings.
- b) Unless otherwise provided by resolution of Council, Meetings of Council shall be held at 5:30 p.m. (local time) as per the attached "Attachment 1".

- c) When the day for a regular Meeting of Council is a public or civic holiday, the Meeting shall be convened on the open Monday in the same month.
- d) A Council Meeting calendar shall be drawn up, confirmed by resolution for each new calendar year, included in Attachment 1 of this By-law and amended for each successive year thereafter. In addition, this calendar shall be published on the Township website and made available by request to the public.
- e) Notwithstanding 3.2 b, c, d), dates may be altered by Council resolution with a majority vote and Notice.

### 3.3 Special Council Meetings

At any time, the Mayor may summon a Special Meeting of Council on 48 hours written notice to the Members or upon receipt of the petition of the majority of the Members, the Clerk shall summon a Special Meeting on 48 hours written notice to the Members for the purpose and at the time mentioned in the petition. The only business to be dealt with at a Special Meeting is that which is listed in the Notice of the Meeting in the form of an agenda. Special Meetings may be open or closed as provided for in the Municipal Act and shall be designated as such in the Notice and posted prominently at the entrance to the meeting room.

### 3.4 Length of Council Meetings

A Council Meeting shall not carry on past 9:30 P.M. or shall not be of a duration greater than four (4) hours and by operation of this rule, shall be adjourned without requiring a motion or resolution, unless a majority of the Members present at the Meeting decide by resolution to continue the Meeting until its conclusion or such time as may be specified in the resolution.

### 3.5 Workshops

- a) When deemed necessary, the Mayor and/or CAO may convene a Committee of the Whole, at their discretion or by petition of a majority of Members of Council, to discuss issues in an informal venue for the purpose of promoting a general understanding and consensus on specific important Township matters. All Workshops (with the exception of a Meeting as described in 3.5 b) shall be open to the public and no motions shall be passed. A record, describing in general terms the proceedings and the subject matter discussed, shall be made at all Workshops. The Committee of the Whole does not need a quorum.
- b) Public access to a Workshop may be restricted if both of the following conditions are satisfied:

- i) The Meeting is held for the purpose of educating or training the Members and;
  - ii) no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision making of the Council.
- c) Before holding a Workshop that is to be closed pursuant to this provision, Council shall state, by resolution, the fact of holding the Closed Meeting, the general nature of the subject matter and that it is to be closed under Section 239, subsection 3.1 of the Municipal Act and posted prominently at the entrance to the meeting room.

### 3.6 Emergency Council Meetings

The Mayor may, at any time, call an emergency Council Meeting on matters that require urgent attention by Council. Time permitting, the Clerk shall give Notice of any such meeting by email or in person in the form of an agenda, and notice by telephone. Emergency meetings may be open or closed as provided for in the Municipal Act and shall be designated as such in the Notice and posted prominently at the entrance to the meeting room.

#### 3.6.5 A member may participate hybrid or fully in a meeting by electronic means (via teleconference or video conference) in the following circumstances:

- a) If an emergency has been declared to exist in all or part of the Township of Clearview in accordance with the provisions contained in Sections 4 or 7.0.1 of the Emergency Management and Civil Protection Act; or,
- b) If Council, a Local Board or Committee has approved meeting electronically.

This applies to regular, special emergency and closed session Council meetings and meetings of Committees and Boards.

Electronic participation shall mean participation by teleconference or video conference.

Any Member participating by electronic means shall notify the Clerk or their designate at minimum, twenty-four (24) hours in advance of the meeting.

Where a State of Emergency has been declared or where Council, a Local Board or Committee has approved meeting electronically, electronic participation shall count towards quorum in accordance with section 238(3.3.) of the Municipal Act, 2001.

Votes cast electronically by Members of Council, a Committee or Board shall be counted towards the overall decision.

A Member of Council cannot be physically absent for more than three (3) consecutive months without the consent of Council.

In the event of technical failure during the meeting, Council, a Committee or Board may take a recess of not more than ten (10) minutes to allow staff to reinstate the electronic participation. If a Member can no longer participate by electronic means, it will not affect the validity of the meeting or decisions made.

Any delegation or public participation during a State of Emergency will only be accepted in writing, unless deemed otherwise by the Mayor and Clerk.

Committee and Board meetings may only occur during a State of Emergency upon agreement of the Committee/Board Chair, the Mayor and the Clerk. All three (3) parties must be in agreement prior to a meeting being called.

### 3.9 The Mayor as Ex Officio Member

The Mayor is ex officio a member of each Council appointed Committee. The Mayor may participate in the business of the Committee on the same basis as any other Member unless otherwise prohibited.

## 4.0 Quorum

4.1 As soon after the hour fixed for the holding of a Meeting at which a Quorum is present, the Chair shall call the Meeting to order.

4.2 A majority of the Members are required to be present to constitute a Quorum.

4.3 If no Quorum is present one-half ( $\frac{1}{2}$ ) hour after the time appointed for a meeting of Council, the Clerk or Recording Secretary shall record the names of the Members present and the Meeting shall stand adjourned until the date of the next regular Meeting.

## 5.0 Chair

5.1 The Chair of a Meeting of Council shall be the Mayor. In the absence of the Mayor, the Deputy Mayor shall be the Chair of the Meeting. In the absence of the Mayor and Deputy Mayor the Council shall appoint another of its Members to act as Chair of the Meeting.

5.2 In the event that the Mayor does not arrive within fifteen (15) minutes after the time appointed for the meeting, the Deputy Mayor shall preside until the arrival of the Mayor and in the absence of both of them, a Member appointed by Council shall preside until the arrival of either the Mayor or Deputy Mayor.

## 6.0 Agenda

### 6.1 Preparation of Council Agenda

- a) Prior to each regular Meeting, the Clerk, or his/her designate, under the supervision of the CAO, shall prepare an agenda of all the business to be brought before each Council Meeting. The agenda shall be posted on the Township website by 4:00 p.m. on the Wednesday prior to the Council Meeting.
- b) Exceptions to this practice will be at the discretion of the Clerk. All information, including power points and digital presentations, must be included and available to the Clerk by Monday 12:00 noon, one week prior to the Council Meeting.
- c) Individuals who submit letters and other information to Council should be aware that any personal information contained within their communications may become part of the public record and may be made available through the Council Agenda process.
- d) Addendum items
  - i) An item which is not on the agenda of a Council Meeting as printed shall require a majority vote of the Members present to be added to the agenda.
  - ii) Notwithstanding the above, any additional information pertaining to an item listed on the Council agenda shall be considered with the item.
  - iii) Members shall be given the opportunity to debate a request to add an item that is not on the agenda, provided they do not discuss the substance of the item to be added.
  - iv) Public Meetings not being held during a regular Council Meeting will begin at 5:30 p.m. Exceptions to this practice will be at the discretion of the Mayor and Clerk.
  - v) Public Meetings that form part of a Regular Council agenda will commence based on the Order of Business of the Agenda.
- c) Order of Business

- i) Council shall deal with matters in the following order:
  - 1. In Camera (if required)
  - 2. Approval of the Agenda
  - 3. Disclosure of Pecuniary Nature and General Nature Thereof
  - 4. Public Participation
  - 5. Deputations and Presentations
  - 6. Public Meetings (5:30 p.m.)
  - 7. Approval of Council Meeting Minutes
  - 8. Business Arising from the Minutes
  - 9. Communications from the Mayor
  - 10. County Reports and Information
  - 11. Council Reports and Community Announcements
  - 12. Department Reports and By-laws
  - 13. Notice of Motion/New Business
  - 14. Confirming By-law
  - 15. Motion to Adjourn

**(Amended by By-law 15-65)**  
**(Amended by By-law 19-21)**

- ii) The business of each Council Meeting shall be taken up in the order in which its stated in the agenda unless otherwise deemed expedient by the Chair or at the request of a majority of the Members present.

- ii) In order to submit a notice of motion, the member of Council shall provide the written motion to the Clerk in accordance with Section 6.1.b. A verbal notice of motion will not be accepted. Notice of motions will not be debatable until the second meeting in which the motion appears in writing on the Council agenda.  
**(Amended by By-law 16-40)**

- d) Member's Request

If requested by any Member by Monday 12:00 noon, one week prior to the regular Council Meeting, the Clerk shall place the matter on the Council agenda. From time to time, the Clerk may exercise his/her discretion as to the inclusion of the Member's request under the Municipal Act Section 239 (Open or Closed Session).

- e) The Clerk is hereby authorized to make such minor deletions, additions or other changes in form to any by-law before same is signed and sealed, for the purpose of ensuring correct and complete implementation of the actions of Council forming the subject matter of the by-law and Members of Council shall be advised by the Clerk of such changes.

## 6.2 Public Participation Period

As part of each regularly scheduled Council Meeting, a Public Participation Period will be included on the agenda giving members of the public an opportunity to ask questions and/or provide comments regarding municipal business utilizing one of the following methods:

### a) Written Submissions

- i. Shall contain the name and address of the person submitting the comments by utilizing the electronic submission form provided through the Township's website.
- ii. Be received by 12:00 noon on the Friday prior to the Council meeting.
- iii. Shall not refer to personnel matters, litigation or potential litigation or planning matters that have already had a public meeting or any item considered confidential.
- iv. All written submissions will be reviewed by the Clerk or designate to ensure they comply with the criteria outlined within subsections 6.2 1) a) i. ii. and iii. above. If the written submission does not comply, it will not be submitted to the Mayor to be summarized at the meeting.
- v. Written submissions meeting the above criteria will be summarized (at the discretion of the Mayor or designate) and read by the Mayor/Chair or designate at the meeting.

### b) Verbal Submissions

The public participation period for members of the public in attendance at a regular Council meeting will be limited to fifteen (15) minutes or less as necessary.

- i. Speakers will be permitted a maximum of five (5) minutes each to ask questions and/or provide comments on municipal business.
- ii. Questions and/or comments are to be directed to the Mayor/Chair and shall not refer to personnel matters, litigation or potential litigation or planning matters that have already had a public meeting or any item considered confidential.

Any person providing written or verbal information and/or comments at public or open meetings will be considered by the Township of Clearview as consent to the individual's personal information and comments and that this information may become part of the public record.

**(Amended by By-law 22-58)**

## **7.0 Deputations and Presentations**

- 7.1 Deputations and those wishing to present on a matter may address Council by requesting, in writing (in digital form if possible) by Monday 12:00 noon, one week prior to the Council Meeting, that the Clerk place their name and topic on the agenda as a deputation or presentation. Such requests shall state the nature of the matter to be brought before Council and be accompanied by a summary detailing the matter to be brought before Council. If information is to be presented digitally to Council it must accompany the request.
- 7.2 Deputations and presentations other than in respect of statutory hearings shall be limited in speaking to not more than ten (10) minutes followed by a five (5) minute discussion period. In the interest of time and clarity, deputations and presentations on behalf of an organization, including any corporation, association or on behalf of any group, are asked to designate a single spokesperson to address Council.
- 7.3 Upon conclusion of the deputation or presentation, Members are permitted to ask questions for clarification and obtaining additional relevant information. Notwithstanding time limits imposed in 7.2, Council may extend the time by consensus of the Members.

## **8.0 Minutes**

- 8.1 The minutes of a Meeting, including a Closed Meeting, shall record, without note or comment:
- a) the place, date and time;
  - b) the record of attendance or absence of the Members;
  - c) the reading, if requested, correction and adoption of the minutes of prior Meetings;
  - d) all the other proceedings of the Meeting;
  - e) Minutes of each Meeting shall be presented to the subsequent Meeting for approval and/or correction. The minutes of a Closed Meeting shall, where required, be approved in a Closed Meeting;
  - f) All minutes of Committees are to be posted on the website following approval of the various Committees.

## **9.0 Duties of Chair**

- 9.1 It shall be the duty of the Chair:

- a) to open the Meeting by taking the Chair and calling the Members to order.
- b) to announce the business in the order in which it is to be acted upon.
- c) to receive and submit, in the proper manner, all motions presented by the Members.
- d) to put to vote all questions which are regularly moved and seconded or necessarily arise in the course of the proceedings and to announce the result.
- e) to decline to put to a vote motions which infringe upon the rules of procedure.
- f) to restrain the Members so as to remain within the rules of order when engaged in debate.
- g) to designate the order in which Members/Staff are recognized to speak when two or more Members/Staff wish to be recognized at the same time.
- h) to enforce, on all occasions, the observance of order and decorum among the Members.
- i) to do all matters in such a way as to permit the Meetings to proceed in an orderly and efficient manner.
- j) to authenticate by his/her signature, when necessary, all by-laws, resolutions and minutes.
- k) to adjourn the Meeting when the business is concluded.
- l) to adjourn the Meeting without question, or put or suspend the Meeting to a time to be named by him/her, if he/she considers it necessary, because of grave disorder.

## **10.0 Conduct of Members**

10.1 In addition to the provisions herein, Members of Council are to have regard for all standards of conduct pertaining to elected Township officials during a Meeting held pursuant to this By-Law.

10.2 No Member shall:

- a) speak disrespectfully of the reigning Sovereign, or any of the Royal Family, of the Governor-General, or of the Lieutenant Governor of any Province.
- b) use offensive words or unparliamentary language.
- c) speak disrespectfully of, or make inappropriate allegations concerning, another Member of Council, Committee, Staff or the public.
- d) speak on any subject other than the subject in debate.
- e) extend deliberation on a matter previously and appropriately considered by Council or Committee except for the purpose of moving in accordance with the provisions of Subsection 2.3 that a resolution be reconsidered.
- f) disregard the rules of the Council, or a decision of the Chair, or of the Council or Committee on a question of order or practice or upon the interpretation of the rules of the Council or Committee.

10.3 If a Member persists in any such disregard after having been called to order by the Chair, the Chair may forthwith put the question, with no amendment, adjournment or debate being allowed, "that such Member be ordered to leave his/her seat for the duration of the Meeting of the Council or Committee", but if the Member apologizes, he/she may by majority vote, be permitted to retake his/her seat.

10.4 If a Member arrives late at a Meeting, any prior discussion shall not be reviewed without the unanimous consent of all Members present.

## **11.0 Motions**

11.1 Every motion, when duly moved and seconded, shall be open to discussion. A motion or amendment thereto, may not be withdrawn without the consent of the mover and seconder. The Chair shall not move or second any motion, but shall vote on a motion.

**(Amended by By-law 14-51)**

11.2 The Chair may appoint a Member to preside in his/her place and vacate the chair in order to move or second a motion. The Chair shall resume the chair following the vote on the matter.

11.3 Where a matter has been Tabled it may not be discussed until the Clerk or a Member through a Member's Request, brings the matter forward to a subsequent Meeting.

11.4 Voting on Motions and By-Laws

- a) Every Member present at a Meeting when a question is put shall vote thereon unless prohibited by statute, in which case it shall be so recorded.
- b) Each Member present and voting shall announce or indicate his/her vote upon the motion or by-law openly and individually and no vote shall be taken by ballot, or any other method of secret voting.
- c) If there is an equality of votes on any question, the vote shall be deemed to be lost.
- d) If any Member at a Meeting when a question is put does not vote, he/she shall be deemed to have voted in the negative except where prohibited from voting by statute.
- e) When a recorded vote is requested by a Member, the Clerk shall call the vote and record the name and vote of every Member on any question. The order of the vote shall be recorded in the following manner:
  - first, the requester of the recorded vote shall vote;
  - then in numerical order by Ward designation, each Councillor shall vote;
  - followed by the Deputy Mayor;
  - lastly, the Mayor shall indicate his or her vote.
- f) A request by a Member for a recorded vote shall be made immediately prior to the commencement of the vote being taken or immediately thereafter and before any other item of business is brought forward.
- g) When the Chair calls for a vote on a question, each Member shall occupy his/her seat and shall remain in his/her seat until the result of the vote has been declared by the Chair.
- h) After a question is put by the Chair, no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
- i) Upon the request by any Member, and when the Chair is satisfied that a question under consideration contains distinct proposals, the vote upon each proposal shall be taken separately.
- j) When a vote is taken, the order of the vote shall, unless otherwise decided by the Council or Committee, be as follows:

- i) upon any motion to Defer, including a motion to Refer the question;
    - ii) upon the amendments in the reverse order of presentation, dealing with an amendment to an amendment immediately before the amendment it proposes to amend; and
    - iii) then, upon the motion to adopt or upon the motion to adopt as amended, if any amendments have been carried out.
  - k) Notwithstanding Paragraph 11.4(j) above, a motion to Defer a matter that has been previously Deferred shall require a majority vote of Council.
  - l) One or more report items and/or by-laws on a meeting agenda may be adopted in a single motion.
  - m) A motion to Refer a matter to Staff shall include the reasons for the Referral.
  - n) The vote on a motion may only be called after each Member who wished to speak has spoken once.
  - o) If a Member disagrees with the announcement of the Chair that a question is carried or lost he/she may, but only immediately after the declaration by the Chair, object to the Chair's declaration and request that the vote be retaken.
- 11.5 In considering unrecorded votes, the manner of determining the decision of the Council or Committee on a motion shall be at the discretion of the Chair and may be by voice, show of hands, standing or otherwise.
- 11.6 In considering recorded votes the Clerk shall ask Members to announce their vote openly and any failure to vote by a qualified Member shall be deemed to be a negative vote. The Clerk shall record the names of those who voted for and of those who voted against, in the minutes and announce the results.

## **12.0 Rules of Debate**

- 12.1 Every Member, prior to speaking to any question or motion shall first be recognized by the Chair.
- 12.2 When a Member is speaking, no other Member shall pass between him/her and the Chair or interrupt him/her except to raise a point of order or personal privilege.
- 12.3 Any Member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a Member while speaking.

12.4 Subject to the discretion of the Chair, any Member may speak initially on a motion for a maximum of two (2) minutes followed by any other Member, including the mover of the motion wishing to speak a second time for a further two (2) minutes. The mover may reserve the right to be the last speaker on a motion.

12.5 When a Member has been recognized as the next speaker, then immediately before speaking such Member may ask a question of the Chair on the matter under discussion but only for the purpose of obtaining information, following which the Member shall speak to the motion.

### **13.0 Points of Order**

13.1 A point of order may be called by a Member to bring attention to:

- (i) any breach of the rules of procedure of Council or Committee
- (ii) the use of improper, offensive or abusive language
- (iii) statement of the fact that the matter under discussion is not within the scope of the proposed motion

13.2 When a Member wishes to raise a point of order, the Member shall ask leave of the Chair to raise the point of order and after leave is granted the Member shall state the point of order to the Chair and no further business shall be conducted until the Chair has decided and stated the point of order.

13.3 Thereafter, a Member shall only address the Chair for the purpose of appealing the Chair's decision to the Council or Committee.

13.4 If no Member appeals, the decision of the Chair shall be final.

13.5 If a Member appeals the Chair's decision on a point of order to the Council or Committee, the Member shall have the right to state his/her case, the Chair shall have the right to reply and Council or Committee shall decide the question without further debate and its decision shall be final.

### **14.0 Proceeding into In Camera or Closed Meeting**

14.1 Council or Committee shall retire into In Camera or Closed Meeting at any time during the process of a Meeting or a Meeting specifically called for that purpose, if the subject matter being considered is,

- a) the security of the property of the municipality or local board;
- b) personal matters about an identifiable individual, including municipal or local board employees;

- c) a proposed or pending acquisition or disposal of land by the municipality or local board;
- d) labour relations or employee negotiations;
- e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- f) advise that is subject to solicitor-client privilege, including communications necessary for that purpose;
- g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.
- h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;  
**(Amended by By-law 17-119)**
- i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;  
**(Amended by By-law 17-119)**
- j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value;  
**(Amended by By-law 17-119)**
- k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.  
**(Amended by By-law 17-119)**

Sub-Committees are not permitted to have In Camera sessions.

14.1.1 A meeting or part of a meeting shall be closed to the public if the subject matter being considered is:

- a) A request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the council, board, commission or other body is the head of an institution for the purposes of the Act; or

- b) An ongoing investigation respecting the municipality, a local board or a municipally controlled corporation by the Ombudsman appointed under the Ombudsman Act, or a municipal Ombudsman appointed by Council under subsection 223.13 (1) of the Municipal Act, or the investigator referred to in subsection 239.2(1).  
**(Amended by By-law 16-07)**

14.2 Before holding a Meeting or part of a Meeting that is to be closed to the public, the Council or Committee shall approve a motion stating the following:

- i) the fact that the Meeting will be closed to the public
- ii) the general nature of the matter to be considered at the Closed Meeting
- iii) the reasons Council or Committee has determined it necessary to exercise its' discretion to close the Meeting to the public
- (iv) the agenda for an in camera meeting shall be distributed to members of Council (confidential) as early as possible prior to the meeting.

14.3 Voting during Closed Meetings

No vote shall be taken at a Meeting as described in Section 12 which is closed to the public unless:

- a) the subject relates to an issue as described in Section 14.1; and
- b) the vote is for giving directions or instructions to officers, employees, or agents of the municipality.

14.4 The Clerk shall record in the minutes of the Meeting the reason for Council retiring into In-Camera or Closed Meeting.

14.5 Upon coming out of In-Camera during a Council Meeting, the Chair shall verbally, or by motion, report the progress made.

14.6 The rules governing the procedure of the Council and the conduct of Members in Council shall be observed In-Camera or Closed Meeting so far as they are applicable.

14.7 Confidentiality

Members shall ensure that confidential matters disclosed to them during Closed Meetings are kept confidential.

Members will be advised, as it occurs, that discussion on matters that are not confidential shall be suspended and continued once again during an open Meeting or portion thereof.

## **15.0 Committee and Board Appointments**

- 15.1 Members of Council meeting as a Committee of the Whole shall determine the Council membership representation on the various Committees appointed by Council. Individual preferences shall be accommodated as much as possible, as well as experience, suitability and the consensus of the Committee of the Whole.
- 15.2 Public membership and /or positions on the various Committees appointed by Council shall be approved by Council which may require the posting of open positions, the interviewing of potential volunteer candidates, and input from the Township management team. Persons must not be anonymous.
- 15.3 Council shall authorize the appointments, including committee structure and composition, if not already determined by by-law, having regard for the recommendations of Township staff and the Committee appointees.
- 15.4 Committees are to submit minutes. Council may request reports of the Committees from time to time to receive recommendations and review programs and resources.

## **16.0 Special Committees**

- 16.1 Council may, at any time appoint a special Committee of Members of Council to inquire into and report on any matter.
- 16.2 The names of Council Members required to serve on special Committees shall be determined by Council.

## **17.0 Public Record**

All communications about a matter on a public or open Meeting agenda that the Clerk receives within a reasonable time of the particular Council Meeting of interest shall form part of the public record. Personal information and opinions in communications are part of the public record unless the author of the communications specifically requests the removal of his or her personal information when submitting it.

Any person providing information and/or comments at public or open meetings will be considered by the Township of Clearview as consent to the individual's personal information and comments and that this information may be published.

All information including opinions, presentation, reports, documentation, etc. that are provided at a public or open meeting are considered a public record.

**18.0 Citing**

18.1 This By-law shall be cited as the "Procedure By-law".

**19. Repeals**

19.1 By-law 08-14 is hereby repealed.

**20.0 In Force**

20.1 This By-Law shall come into force and take effect on passing.

By-Law Number 12-19 read a first, second and third time and finally passed this 14<sup>th</sup> day of May, 2012.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

**Schedule A**  
**2022 Council Meeting Schedule**

Meeting Date	Meeting Type
January 10, 2022 January 17, 2022 *January 26, 2022	Regular Meeting Regular Meeting Planning Public Meeting
February 7, 2022 *February 23, 2022	Regular Meeting Planning Public Meeting
March 7, 2022 March 21, 2022 *March 30, 2022	Regular Meeting Regular Meeting Planning Public Meeting
April 11, 2022 April 25, 2022 *April 27, 2022	Regular Meeting Regular Meeting Planning Public Meeting
May 9, 2022 *May 25, 2022 May 30, 2022	Regular Meeting Planning Public Meeting Regular Meeting
June 13, 2022 June 27, 2022 *June 29, 2022	Regular Meeting Regular Meeting Planning Public Meeting
July 11, 2022 July 25, 2022 *July 27, 2022	Regular Meeting Regular Meeting Planning Public Meeting
August 22, 2022 *August 31, 2022	Regular Meeting Planning Public Meeting
September 12, 2022 *September 28, 2022	Regular Meeting Planning Public Meeting
October 3, 2022	Regular Meeting No public meeting scheduled for October due to the Election
November 7, 2022	Regular Meeting No public meeting scheduled for November due to new term of Council
December 6, 2021 December 12, 2022	Inaugural Meeting Regular Meeting

\*Dates to be held for Public Meeting(s) for Planning purposes. Confirmation to be provided on a monthly basis

**Attachment 2**

**To**

**By-law Number 12-19**

**List of Township of Clearview Committees**

---

Economic Development Committee  
Clearview Accessibility Advisory Committee  
Creemore Station on the Green Board  
Dunedin Hall Board  
Nottawa Hall Board  
Avening Hall Board  
Sunnidale Corners Hall Board  
The Duntroon Hall Board  
Creemore Log Cabin Service Board  
Tree Society of Creemore  
Brentwood Hall Board  
Clearview Youth Centre Advisory Committee  
Creemore Business Improvement Association  
Dunedin Village Hall Board  
Lavender Cemetery Board  
Property Standards Committee  
Sunnidale Corners Community Centre Board  
Clearview Public Library  
Committee of Adjustment  
Committee of Revision  
Joint Compliance Audit Committee

**Attachment 3**  
**To**  
**By-law Number 12-19**  
**Agenda Format**

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1. Closed Session (Time)
2. Approval of Agenda
3. Disclosure of Pecuniary Interest and General Nature Thereof
4. Public Participation
5. Delegations
6. Public Meetings (5:30 p.m.)
7. Approval of Council Meeting Minutes
8. Business arising from Minutes (if any)
9. Communications from the Mayor
  - 9.1 Closed Session Report (if any)
10. County Reports and Information
11. Council Reports and Community Announcements
  - 11.1 Ward Reports
12. Department Reports and By-laws
13. Notice of Motion/New Business
14. By-law to Confirm Proceedings of Council Meeting
15. Motion to Adjourn

**DRAFT**

# **Township of Clearview Procedure By-law 24-XX**

Govern the proceedings of Council, Committees and Boards of Council



**CLEARVIEW**

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## By-law Number 24-XX

### The Corporation of the Township of Clearview

#### Being a By-law to govern the proceedings and meetings of Council, Committees and Boards of Council

(Procedure By-law)

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**Whereas** subsection 238(2) of the Municipal Act, 2001, S.O. 2001 c. 25, as amended, requires that every municipal council and local board pass a procedure by-law for governing the calling, place and proceedings of meetings;

**And Whereas** Council of the Corporation of the Township of Clearview passed by-law 12-19 known as the Township's Procedure By-law, to govern the proceedings of meetings of Council, Committees and Boards of Council;

**And Whereas** since the adoption of By-law 12-19, amendments have been made to better clarify, update or add additional procedures to the By-law;

**And Whereas** Council of the Corporation of the Township of Clearview completed an extensive review of By-law 12-19 in order to update and clarify procedures governing meetings;

**And Whereas** Council of the Corporation of the Township of Clearview deems it expedient and necessary to adopt rules governing the order and meeting procedures of the Township and to repeal By-law 12-19, as amended;

**Now Therefore** Council of the Corporation of the Township of Clearview hereby enacts as follows:

#### 1. Definitions

---

1.1. For the purpose of this by-law the following definitions shall apply:

**"Ad Hoc Committee"** means a Committee established by Council to review a specific issue or project. The terms of reference or resolution indicate when the Committee will cease to exist, for example once the project is complete.

**"Advisory Committee"** means a Committee established by Council to advise on matters and provide recommendations for Council's review. Advisory Committees may have sub-committees that report back to the Advisory Committee on certain matters.

**"By-law"** means this Procedure By-law as amended by Council from time to time. The Procedure By-law may also be referred to as the Procedural By-law.

**“Board”** means a local authority established for the purpose of the Township. It does not mean the Clearview Township Public Library Board or the Huronia West OPP Detachment Board.

**“Chair”** means the Mayor or the presiding officer of the Meeting.

**“Chief Administrative Officer”** or **“CAO”** means the Chief Administrative Officer for the Township of Clearview.

**“Clerk”** means the Clerk and Deputy Clerk of the Township of Clearview and/or their designate.

**“Closed Session or Meeting”** means a meeting of Council, Committee or Board that is closed to the public in accordance with section 239 of the Municipal Act, 2001.

**“Committee”** means all Council appointed Advisory, Ad Hoc and sub-committees and Boards. It does not mean the Committee of Adjustment, Property Standards Committee or the Clearview Public Library Board.

**“Confirmatory By-law”** means a by-law passed at the conclusion of Council meetings, confirming the actions of Council taken at that meeting and any previous meetings which did not have a confirmatory by-law, in respect of each resolution and other actions taken.

**“Consent Agenda”** means a listing of consent items being presented to Council for its consideration.

**“Council”** means the Council of the Corporation of the Township of Clearview.

**“Defer, Deferred or Deferral”** when used in conjunction with a matter before Council or a Committee, means that the matter is to be dealt with at the next meeting of the same body, or at the meeting of the same body which is specified in the motion to defer.

**“Delegate or Delegation”** means a person or groups of persons who address Council on behalf of an individual or a group for the purpose of making a presentation to Council.

**“Deputy Mayor”** means a Member of Council elected to the office of Deputy Mayor and to act in the place of the Mayor, in their absence, as elected to represent the Township.

**“Priority Meeting”** means a meeting of Council held to consider any business of the Council which is determined by the Chair to be for an urgent matter that needs

to be dealt with immediately, or an emergency matter for which would affect the health and well-being of the residents of the Township.

**“Friendly Amendment”** means the motion under debate is amended with a minor change with the consent of the mover and seconder, and without the requirement for an amending motion to be made.

**“Head of Council”** means the Mayor.

**“Local Board”** means a municipal service board, transportation commission, public library board, board of health, police service board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority.

**“Mayor”** means the Head of Council as defined in the Municipal Act, 2001, as elected to represent the Township.

**“Meeting”** means any regular, special or other meeting of Council, of a board or committee of either of them, where:

- a) A quorum of members is present; and,
- b) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision making of the Council, board or committee.

**“Member of Council” or “Member”** means any person duly elected or appointed to serve on Council, a committee or board of the Township.

**“Municipal Act”** means the legislation in the Municipal Act, 2001 as amended, and any successor legislation providing the authority to Ontario municipalities to act as the local government and to perform all the attendant duties contained therein.

**“Notice of Motion”** means an advance notice to Members of a matter on which Council will be asked to take a position.

**“Public Meeting”** means a meeting held for the purpose of providing information to the public and obtaining public comments. It may be included as part of a Regular Council Meeting or be convened, at the discretion of Council, as a Special Council Meeting to consider such matters.

**“Public Participation Period”** means the time set aside in each regularly scheduled Council Meeting agenda during which the attending public may address Council on a matter on the agenda.

**“Quorum”** means a majority (50% + 1) of Members.

**“Recess”** means to recess the meeting for a specified length of time.

**“Refer, Referred or Referral”** when used in conjunction with a matter before Council or a Committee means the matter is referred to the body or person named in the motion to refer, for further consideration and, if so specified, to report back to Council or Committee.

**“Special Meeting”** means a meeting of Council not scheduled in accordance with the approved calendar for Regular Council Meetings.

**“Staff”** means officers and employees of the Township.

**“State of Emergency”** means a State of Emergency that has been declared in accordance with sections 4 and 7.0.1 of the Emergency Management and Civil Protection Act.

**“Table or Tabled”** means to postpone a matter without setting a definite date as to when the matter will be re-discussed.

**“Township”** means the Corporation of the Township of Clearview or the geographic area it represents as the context may require.

**“Workshop”** means a gathering of Members of Council for the purpose of training or to receive and discuss information or advice of a general nature involving subject matters of interest to Council.

## **2. General Provisions**

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### **2.1 Rules of Procedure**

Council shall observe the Rules of Procedure contained in this by-law and any Council approved policies, including the Code of Conduct. This by-law shall be used to guide the order and dispatch of business of Council and committees and boards and wherever possible, with the necessary modifications, for all committees unless otherwise provided. This by-law does not apply to the Clearview Public Library Board and the Huronia West OPP Detachment Board.

This by-law sets out processes that are open and transparent.

Each member has the right to:

- a) One vote, subject to the declaration of pecuniary interest;
- b) Information to help make decisions, unless otherwise prevented by law;
- c) An efficient meeting; and
- d) Be treated with respect and courtesy.

## **2.2 Suspension of Rules and Regulations**

The rules and regulations contained herein may be suspended by majority vote of the Members of Council or Committee present at the Meeting, provided that such rule or regulation is not prescribed by statute.

## **2.3 Roberts Rules of Order**

Procedural matters not specifically addressed in this By-Law shall be decided by the Chair in accordance with Roberts Rules of Order (Canadian Parliamentary Authority) as far as reasonably practical.

## **2.4 Electronic Participation**

Members of Council, Board or Committee may participate in a meeting defined in this by-law electronically, which includes hybrid meetings, if the Chair and members approve this meeting format or where a State of Emergency has been declared in accordance with sections 4 and 7.0.1 of the Emergency Management and Civil Protection Act. It is the responsibility of Council, a Board or Committee to ensure that members and the public understand how meetings will be conducted (in-person, electronic, hybrid), respecting public participation rules during an open meeting.

## **2.5 Meeting Attendance**

A Member of Council, Committee or Board cannot be absent for more than three (3) consecutive months of meetings, without the consent of Council, the Committee or Board.

## **2.6 Record of the Proceedings**

The Clerk or their designate shall be the secretary of all Meetings of Council. It is the duty of the Clerk to record the proceedings of Council in the form of minutes in accordance with the Municipal Act, 2001. The minutes of the Meeting shall be approved at the next Regular Meeting or as soon as practical. The Minutes of the Meeting are the official record.

## **2.7 Minutes**

The minutes of Meetings (Council, Committees and Boards), including a Closed Meeting, shall record without note or comment the following:

- a) The place, date and time of the meeting;
- b) The names of Members present;
- c) The names of Members absent;
- d) All declarations of pecuniary interest; and,
- e) All resolutions and other proceedings of the meeting.

Minutes of each Meeting will be presented at the subsequent Meeting for approval and/or correction. The minutes of a Closed Meeting will be approved in a Closed Meeting.

All open meeting minutes of Council, Committees and Boards are to be posted on the website following the approval of the minutes.

### **3. Roles and Responsibilities**

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#### **3.1 Role of the Mayor**

It is the role of the Mayor:

- To preside over Meetings of Council so that its business can be carried out efficiently and effectively;
- To provide leadership to Council;
- To provide information and recommendations to Council with respect to the role of Council as described in the Municipal Act, 2001;
- To represent the Township at official functions;
- To act as Council's representative when dealing with other levels of government, their agencies and the private sector, unless otherwise delegated; and,
- As Chief Executive Officer, to carry out the duties of the head of Council under the Municipal Act, 2001, or any other Act, including but not limited to:
  - Uphold and promote the purposes of the Township;
  - Promote public involvement in the Township's activities;
  - Act as the representative of the Township both within and outside the municipality, and promote the Town locally, national and internationally; and,
  - Participate in and foster activities that enhance the economic, social and environmental well-being of the Township and its residents.

#### **3.2 Role of Council**

It is the role of Council:

- To represent the public and to consider the well-being and interest of the Township;
- To develop and evaluate policies and programs of the Township;
- To determine which services the Township provides in accordance with applicable legislation;

- To ensure that administrative policies, practices and procedures are in place to implement the decisions of Council;
- To ensure the accountability and transparency of the operations of the Township;
- To maintain the financial integrity of the Township; and,
- To carry out the duties of Council under the Municipal Act, 2001 or any other Act.

### **3.3 Role of Council Representatives Appointed to Committees and Boards**

Each member of Council appointed by Council resolution or by-law to a Committee or Board shall:

- Participate as a full voting member;
- Communicate Council's decisions, perspective, goals, and expectations where appropriate;
- In coordination with the staff liaison, explain the rationale behind Committee and Board recommendations when brought forward to Council;
- Act as a liaison between the Committee or Board and Council.

### **3.4 Ex Officio**

The Mayor is the ex officio member of each Council appointed Committee and Board except for the Clearview Public Library Board, Committee of Adjustment and the Property Standards Committee, and the Huronia West OPP Detachment Board. The Mayor may participate in the business of the Committee or Board on the same basis as any other Member unless otherwise prohibited.

### **3.5 Duty of the Chair**

The Chair of a Meeting of Council shall be the Mayor. In the absence of the Mayor, the Deputy Mayor shall be the Chair of the Meeting. In the absence of the Mayor and Deputy Mayor, Council shall appoint another of its Members to act as Chair of the Meeting.

In the event that the Mayor does not arrive within fifteen (15) minutes after the time appointed for the Meeting, the Deputy Mayor shall preside until the arrival of the Mayor and in the absence of both of them, a Member appointed by Council shall preside until the arrival of either the Mayor or Deputy Mayor.

It shall be the duty of the Chair:

- To open the Meeting by taking the Chair and calling the Members to order;
- To announce the business in the order in which it is to be acted upon;

- To receive and submit, in the proper manner, all motions presented by the Members;
- To ensure all motions are duly moved and seconded prior to voting by members present;
- To decline to put to a vote any motion which contravenes this Procedure By-law;
- To enforce order and good behaviour of all Members in accordance with the Rules of Procedure when engaged in debate;
- To designate the order in which Members/Staff are recognized to speak when two or more Members/Staff wish to be recognized at the same time;
- To enforce the rules of order in this Procedure Bylaw and decorum among the Members and meeting attendees;
- To conduct the meeting in an orderly and efficient manner;
- To authenticate by their signature, when necessary, all by-laws, resolutions and minutes;
- To adjourn the Meeting when the business is concluded;
- To adjourn the Meeting without question or put or suspend the Meeting to a time to be named by them, if they consider it necessary.
- When a Member, staff or attendee persists, following several reminders in breaching the Rules of Procedure and disrupting the business of Council, the Committee of Board, ordering the person to vacate the Council Chambers for the duration of the meeting;
- Voting on all matters unless prohibited by law.

### **3.6 Duty of Members**

It is the duty of Members to attend Meetings, and:

- To prepare for Meetings, including reviewing the Agenda and background information prior to the Meeting;
- To speak only to the subject matter under debate;
- To vote on all motions before Council unless prohibited from voting by law;
- To observe proper procedure and decorum at all Meetings including not using offensive words or unparliamentary language;
- To state questions to be asked through the Chair;
- To make every effort to attend all meetings of a Committee or Board to which the Member has been appointed by Council;

- To carry out the duties of Members under the Municipal Act, 2001 or any other Act;
- Respect and follow the rules of order, the Chair's final ruling and Council's decision;
- To not speak disrespectfully of the reigning Sovereign, or any of the Royal Family, the Governor-General, or of the Lieutenant Governor of any Province;
- To not speak disrespectfully of, or make inappropriate allegations concerning, another Member of Council, Committee, Board, Staff or the public;
- To act in accordance with their declarations to office and oaths of allegiance, Code of Conduct, Council-Staff Relations Policy, Procedure By-law and all applicable legislation including Township by-laws and policies;
- Respect the confidentiality of matters discussed in closed meetings and not disclose the subject or substance of these discussions unless authorized to do so;
- To disclose an interest under Section 5 of the Municipal Conflict of Interest Act (MCIA) at a meeting or as soon as possible afterwards and submit to the Clerk a written statement after declaring the pecuniary interest on the prescribed Declaration form. The written statement shall be posted on the Township's website through the MCIA Registry. This shall be applicable to Members of Council, Committees and Boards and apply only to matters pertaining to the MCIA; and,
- To notify the Clerk or Recording Clerk as soon as practicable when the Member is aware that they will be absent from a Meeting.

### **3.7 Duty of the Chief Administrative Officer**

It is the duty of the Chief Administrative Officer (CAO) to attend Meetings of Council and:

- To review all staff recommendations and reports prior to their submission to Council and, when deemed necessary, to submit their comments on said reports;
- To ensure that all resolutions and by-laws submitted to Council accurately reflect the goals and objectives of the Township;
- To assist Council to discharge its responsibilities and, in a non-partisan manner, to aid Council Members to carry out their duties;
- To exercise general control and management of the affairs of the Township for the purpose of ensuring the efficient and effective operation of the Township; and,
- Without limiting the generality of the foregoing, to perform such other duties as may be necessary to fulfill the intent of the CAO appointment By-law and

to exercise powers which, from time to time, may lawfully be assigned by Council.

### **3.8 Duty of the Clerk**

It is the duty of the Clerk to attend Council Meetings and:

- To record without note or comment, all resolutions, decisions and other proceedings of Meetings of Council;
- If required by any Member present at a vote, to record the name and vote of every Member voting on any matter or question;
- To keep the official records of the Township, including the minutes of the proceedings of Council Meetings;
- To keep the originals or copies of all by-laws and of all minutes of the proceedings of Council;
- To make such minor clerical, typographical or grammatical deletions, additions or other changes in form to any by-law, motion, resolution, and/or minutes as may be required for the purpose of ensuring correct and complete implementation of the actions of Council;
- To present annually a Council Meeting calendar outlining the schedule for the next year, which may be amended from time to time;
- To provide each Member of Council a copy of the Procedure By-law;
- To perform such other duties as are prescribed by law or by direction of Council.

### **3.9 Conduct of the Public**

Members of the public in attendance at a Meeting shall not:

- Address Council, Committee or Board without permission;
- Engage in activity, behaviour or make any audible noise that could affect the Council, Committee or Board without permission;
- Make detrimental comments, speak ill or malign the integrity of staff, the public, Mayor and Members of Council, Committee or Board, and the Sovereign.

## **4. Council Meetings**

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### **4.1 Establishing Council Meeting Dates**

A Regular Council Meeting Calendar shall be drawn up, confirmed by resolution for each new calendar year. In addition, this calendar shall be published on the Township website and made available upon request to the public.

Notwithstanding the above, dates may be altered by Council resolution with a majority vote and notice. A Special or Priority Meeting of Council may also be called by the Mayor without a resolution, or by petition of Members of Council in accordance with the rules outlined in this by-law.

#### **4.2 Inaugural Council Meeting**

The Inaugural Meeting of Council shall be held the first Monday of December of the new Council term of office following a regular election, subject to the requirements of the Municipal Act, or at such time as may be fixed by resolution of Council.

#### **4.3 Regular Council Meetings & Planning Public Meetings**

Meetings of Council shall be held in the Council Chambers at the Municipal Administration Centre. Notwithstanding this, Council meetings may from time to time, take place at another meeting location within or outside the geographic boundaries of the municipality provided that Notice is given. In the case of electronic meetings that have been called in accordance with this By-law, the location can be virtual.

Unless otherwise provided by resolution of Council, Regular Meetings of Council and Planning Public Meetings shall be held at 5:30 p.m. (local time). Closed Sessions that have been called on a Regular Council Meeting Day, will be scheduled before the Regular Meeting.

#### **4.4 Special Council Meetings**

At any time, the Mayor may summon a Special Meeting of Council on forty-eight (48) hours written notice to the Members or, upon receipt of the petition of the majority of the Members, the Clerk shall summon a Special Meeting on forty-eight (48) hours written notice to the Members for the purpose and at the time mentioned in the petition. The only business to be dealt with at a Special Meeting is that which is listed in the Notice of the Meeting in the form of an agenda. Special Meetings may be open or closed as provided for in the Municipal Act, 2001, and shall be designated as such in the meeting agenda.

#### **4.5 Workshops**

When deemed necessary, the Mayor, CAO or Clerk may convene a Workshop to discuss issues for the purpose of promoting a general understanding and consensus on specific Township matters, or for education and training. All Workshops except those that have been closed in accordance with section 239 of the Municipal Act, 2001, shall be open to the public and no motions shall be passed. A record, describing in general terms the proceedings and the subject matter discussed shall be made at all Workshops. Workshops do not require quorum.

Public access to a Workshop may be restricted if both of the following conditions are satisfied:

- The Workshop is held for the purpose of educating or training the Members; and,
- No Member discusses or otherwise deals with any matter in a way that materially advances the business or decision making of Council.

Before holding a Workshop that is to be closed to the public, Council shall state by resolution, the fact of holding the Closed Session, the general nature of the subject matter and that it is to be closed under Section 239 of the Municipal Act, 2001 and posted prominently at the entrance to the meeting room.

#### **4.6 Priority Council Meetings**

The Mayor may, at any time, call a Priority Council Meeting on matters that require urgent attention by Council. Time permitting, the Clerk shall give Notice of any such meeting by email or in person in the form of an agenda. Priority meetings may be open or closed as provided for in the Municipal Act, 2001, and shall be designated as such in the Notice and posted prominently at the entrance to the meeting room.

#### **4.7 Participation in Electronic Meetings**

A Member may participate hybrid or fully in a meeting by electronic means (via teleconference or video conference) in the following circumstances:

- a) If an emergency has been declared to exist in all or part of the Township of Clearview in accordance with the provisions contained in Sections 4 or 7.0.1 of the Emergency Management and Civil Protection Act; or,
- b) If Council, a Board or Committee has approved meeting electronically.

This applies to regular, special, priority and closed session Council meetings and meetings of Committees and Boards.

Electronic participation shall mean participation by teleconference or video conference.

Any Member participating by electronic means shall notify the Clerk or their designate at minimum, twenty-four (24) hours in advance of the meeting.

Where a State of Emergency has been declared or where Council, a Local Board or Committee has approved meeting electronically, electronic participation shall count towards quorum in accordance with section 238(3.3.) of the Municipal Act, 2001.

Votes cast electronically by Members of Council, a Committee or Board shall be counted towards the overall decision.

In the event of technical failure during the meeting, Council, a Committee or Board may take a recess of not more than ten (10) minutes to allow staff to reinstate the electronic participation. If a Member can no longer participate by electronic means, it will not affect the validity of the meeting or decisions made prior to the technical failure. If quorum is lost, the meeting will be deemed adjourned.

Any delegations or public participation during a State of Emergency will only be accepted in writing, unless deemed otherwise by the Mayor and Clerk.

Committee and Board meetings may only occur during a State of Emergency upon agreement of the Committee/Board Chair, the Mayor and the Clerk.

#### **4.8 Quorum**

As soon after the hour fixed for the holding of a Meeting at which a Quorum is present, the Chair shall call the Meeting to order.

A majority (50% + 1) of the Members are required to be present to constitute a Quorum.

If no Quorum is present thirty (30) minutes after the time appointed for a meeting of Council, Committee or Board, the Clerk or Recording Secretary shall record the names of the Members present and the Meeting shall stand adjourned until the date of the next Regular Meeting.

#### **4.9 Calling a Meeting to Order**

As soon as quorum is present, after the hour fixed for the holding of a Council Meeting, the Mayor shall take the Chair and call the meeting to order.

#### **4.10 Speaking Order**

No Member shall speak more than once on an item, except to give an explanation, until every Member who wishes to speak on that item has spoken. The Chair may limit discussion in the interest of the decision-making process. This decision may be appealed by Members.

#### **4.11 Recording Meetings**

The Township can record Council Meetings by video and live stream whenever practical to increase public accessibility and enhance accountable local government. Video recordings of Meetings may not always be available due to equipment malfunctions and/or the use of an alternate location to hold such Meeting.

Video and live stream recordings of a Meeting shall not be relied upon as the official record of the Meeting.

The use of audio and video recording equipment by the public or media during an open Meeting will be permitted if it is not disruptive to the Meeting proceedings. The location of such recording equipment shall be at the discretion of the Chair.

#### **4.12 Public Record**

Any person providing information and/or comments at public or open meeting will be considered by the Township of Clearview as consent to the individual's personal information and comments, and that this information may be published.

All information including opinions, presentations, reports, documentation, etc. that are provided at a public or open meeting are considered a public record.

The views expressed in public comments are solely those of the individuals providing them and do not reflect the opinions of the Township, its agents, or its employees. It is not possible for the Township to verify the accuracy of all information provided by members of the public. The Township therefore assumes no responsibility for any inaccurate information that may be contained within public comments.

#### **4.13 Cancellation of a Council Meeting**

The Clerk, in consultation with the Mayor, may cancel any Council meeting by providing notice to all Members of Council and posting notice of the cancellation to the Township's website. Cancellation of a Council meeting would generally be for an emergency or an extreme weather event to ensure the safety of Council, staff and the public.

### **5. Closed Session Meetings**

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#### **5.1 Purpose of Closed Session**

Council or Committee or Board may retire into a Closed Session at any time during the process of a Meeting or a Meeting specifically called for that purpose, if the subject matter being considered is in accordance with section 239 (2), (3) and (3.1) of the Municipal Act, 2001.

Sub-Committees are not permitted to have Closed Sessions.

A meeting or part of a meeting shall be closed to the public if the subject matter being considered is:

- a) A request under the Municipal Freedom of Information and Protection of Privacy Act, if the Council, board, commission or other body is the head of an institution for the purposes of the Act; or,
- b) An ongoing investigation respecting the municipality, a local board or a municipally controlled corporation by the Ombudsman appointed under the

Ombudsman Act, or a municipal Ombudsman appointed by Council under subsection 223.13 (1) of the Municipal Act, or the investigator referred to in subsection 239.2(1).

## **5.2 Procedure – Moving into Closed Session**

Before holding a Meeting or part of a Meeting that is to be closed to the public, the Council, Committee or Board shall approve a motion stating the following:

- a) The fact that the Meeting will be closed to the public;
- b) The reasons Council, Committee or Board has determined it necessary to exercise its' discretion to close the Meeting to the public; and,
- c) The general nature of the matter to be considered at the Closed Meeting.

The agenda for a Closed Session meeting shall be distributed to members of Council, a Committee or Board confidentially, as early as possible prior to the Meeting.

## **5.3 Voting during Closed Session Meetings**

No vote shall be taken at a Meeting which is closed to the public unless:

- a) The subject relates to an item as described in the recommendation to go into a Closed Session as voted in the open session of Council; and,
- b) The vote is for procedural matters or giving directions or instructions to officers, employees, or agents of the municipality.

## **5.4 Closed Session Meeting Minutes**

The Clerk shall record in the minutes of the Meeting the reason for Council, a Committee or Board going into a Closed Session.

The Clerk shall record all vote(s)/direction(s) provided during a Closed Session which relate only to the direction provided by Council pursuant to clause 239(6)(b) of the Municipal Act, 2001.

The minutes are the official record of the Closed Session Meeting.

## **5.5 Recording Closed Session Meetings**

At the direction of the Clerk, Closed Session Council Meetings may be audio and where possible, video recorded for the sole purpose of conducting investigations undertaken by the Ombudsman, Integrity Commissioner, Closed Meeting Investigator or a Judge, and shall not be used for any other purpose. If a decision is made to start recording Closed Sessions, it shall be the practice that recording applies to all Closed Session Meetings.

If audio and/or video recordings are made of Closed Session Council meetings, they shall be stored on an encrypted electronic device separate from Township servers, to be located in a locked area. Restricted and controlled access by the Clerk or Deputy Clerk ensures that only those privileged to view or listen to the Closed Session recording is able to do so.

### **5.6 Report Progress in Open Session**

Upon coming out of a Closed Session, the Chair shall verbally, or by motion, report the progress made during the Closed Session. If there is nothing to report, the Chair shall state that.

### **5.7 Rules Governing Procedure**

The rules governing the procedure of Members shall be observed in a Closed Session so far as they are applicable.

### **5.8 Confidentiality**

Members shall ensure that confidential matters disclosed to them in preparation and during Closed Session Meetings are kept confidential.

Members will be advised, as it occurs, that discussion on matters that are not confidential shall be suspended and continued once again during an open Meeting or portion thereof.

## **6. Committees and Boards**

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### **6.1 Appointments**

Public membership and/or positions on the various Committees and Boards appointed by Council, shall be approved by Council which may require the posting of open positions, the interviewing of potential volunteer candidates, and input from the Township management team, if requested by Council, on the general qualities being sought for membership on the Committee or Board. Persons must not be anonymous.

Council shall authorize the appointments, including Committee/Board structure and composition, if not already determined by by-law, having regard for the recommendations of Township staff, if any.

Appointments shall be for the term of Council to which they were appointed. Appointments to Township Committees and Boards shall comply with the established Appointment Policy for the municipality, if one is established.

## **6.2 Council Representative Appointments**

For a new Council term following a regular election, in consultation with the Mayor, Members of Council will determine the Council membership representation on each of the Committees and Boards appointed by Council. Individual preferences shall be accommodated as much as possible, as well as experience, suitability, and the consensus of the Council Members.

## **6.3 Notice of Meetings**

Notice of meetings of all Committees and Boards shall be given to its Members in the form of an agenda delivered prior to the meeting, with the best practice being at least five (5) days in advance. Time permitting, such Notice of Meetings shall be included on the schedule of meetings calendar on the Township's website and available from the Clerks Office upon request.

The meeting schedule of all Committees and Boards will be determined by its Members, with consideration given to availability of Township resources.

## **6.4 Minutes and Recommendations to Council**

Committees and Boards are to submit approved minutes to the Township for proper retention and to make available to the public. Council may request reports from Committees or Boards from time to time to receive recommendations and review programs and resources.

Committees and Boards making recommendations to Council will be made through the Staff Liaison, through a report to Council. It is beneficial that when recommendations are made, that the Chair or another member attends the Council meeting either to make a delegation in conjunction with the report to Council or to be there to support the Committee or Board's initiative.

## **6.5 Procedural Rules**

All Council appointed Committees and Boards shall follow the rules contained within this Procedure By-law unless otherwise stated in their terms of reference approved by Council.

# **7. Council Meeting Agendas**

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## **7.1 Preparation of Council Agenda**

Prior to each Council Meeting the Clerk or their designate, under the supervision of the CAO, shall prepare an agenda of all the business to be brought before each Council Meeting. The agenda for a Regular Council Meeting shall be posted on the Township website by 4:00 p.m. on the Wednesday prior to the Meeting, providing notice to the public.

Exceptions to this practice will be at the discretion of the Clerk. All agenda items including reports and information, power points and digital presentations, must be provided to the Clerk by Monday 12:00 noon, one week prior to the Council Meeting. For meetings other than Regular Council Meetings, the deadline for submission of agenda materials will be at the discretion of the Clerk, with consideration made to using similar timelines as seen with Regular Council Meetings.

## **7.2 Amendments to the Agenda**

The Clerk may amend the agenda prior to a Meeting by notifying the Mayor and Council through distributing copies of the amended agenda and any additional supporting material to the Members and the public at the earliest opportunity. When making amendments, consideration will be given to the timeframe to which Members can sufficiently review the new information.

In addition to adding items to the agenda, Township staff can make a request to the Clerk that their report or other material on an agenda be removed prior to the Meeting, provided that an explanation is given for the removal and articulated to Council with distribution of the amended agenda.

## **7.3 Public Record**

All communications about a matter on a public or open Meeting agenda that the Clerk receives within a reasonable time of the particular Council Meeting of interest, shall form part of the public record. Personal information and opinions in communications are part of the public record unless the author of the communications specifically requests the removal of his or her personal information when submitting it. Requests for removal of information are at the discretion of the Clerk, and personal information in this context does not include the name/author of the communication, as communications will not be anonymous.

## **7.4 Order of Business**

For Regular Council Meetings, Council will deal with matters in the following order:

- Closed Session (if required)
- Approval of the Agenda
- Declarations of Interest
- Public Participation Period
- Delegations and Presentations
- Public Meetings
- Approval of Minutes
- Correspondence and Information Items

- Department Reports (includes reports from Committees or Boards)
- By-laws
- Council Reports and Community Announcements
- Notice of Motion
- Confirmatory By-law
- Motion to Adjourn

The business of each Council Meeting shall be taken up in the order in which its stated in the agenda unless otherwise deemed expedient by the Chair or at the request of a majority of the Members present.

### **7.5 Public Participation Period**

As part of each regularly scheduled Council Meeting, a Public Participation Period will be included on the agenda and limited to fifteen (15) minutes or less as necessary. Any interested person in attendance will be invited to make an inquiry or comment on matters pertaining only to municipal business, subject to the following:

#### **a) Written Submissions**

- i. Shall contain the name and address of the person submitting the comments by utilizing the electronic submission form provided through the Township's website.
- ii. Shall be received by 12:00 noon on the Friday prior to the Council meeting.
- iii. Shall not refer to personnel matters, litigation or potential litigation or planning matters that have already had a public meeting or any item considered confidential.
- iv. All written submissions will be reviewed by the Clerk or designate to ensure they comply with the criteria outlined within subsections 7.5 a) i., ii. and iii. above. If the written submission does not comply, it will not be submitted to the Mayor to be summarized at the meeting.
- v. Written submissions meeting the above criteria will be summarized, at the discretion of the Mayor/Chair, and read at the meeting.

#### **b) Verbal Submissions**

- i. Speakers will be permitted a maximum of five (5) minutes each to ask questions and/or provide comments on municipal business.
- ii. Questions and/or comments are to be directed to the Mayor/Chair and shall not refer to personnel matters, litigation or potential litigation or

planning matters that have already had a public meeting or any item considered confidential.

Any person providing information and/or comments at public or open meetings, whether verbally or written, will be considered by the Township of Clearview as consent to the individual's personal information and comments. This information may become part of the public record.

The views expressed in public comments are solely those of the individuals providing them and do not reflect the opinions of the Township, its agents, or its employees. It is not possible for the Township to verify the accuracy of all information provided by members of the public. The Township therefore assumes no responsibility for any inaccurate information that may be contained within public comments.

## **7.6 Delegations and Presentations**

Delegations and those wishing to present on a matter may address Council by requesting that the Clerk place their name and topic on the agenda as a delegation or presentation. Such requests shall state the nature of the matter to be brought before Council and be accompanied by a summary or presentation. If information is to be presented digitally (i.e. PowerPoint) to Council, it must accompany the request. Requests and accompanying presentation materials must be submitted to the Clerks Department by Monday 12:00 noon, one week prior to the Council Meeting.

Delegations and presentations other than in respect to statutory hearings/public meetings shall be limited in speaking to not more than ten (10) minutes followed by a five (5) minute discussion period. In the interest of time and clarity, delegations and presentations on behalf of an organization, including any corporation, association or on behalf of any group, are asked to designate a single spokesperson to address Council.

Upon conclusion of the delegation or presentation, Members are permitted to ask questions for clarification and obtaining additional relevant information. Notwithstanding the time limits imposed above, Council may extend the time by consensus of the Members.

Upon hearing a delegation or presentation, Council is not to make any decisions or formally approve any recommended action as provided by the delegate(s)/presenter(s). Procedurally, Council can provide direction to staff to bring a follow-up report to a future meeting outlining the recommendation(s) for consideration. Notwithstanding the aforementioned, Council can proceed with a recommended action at the same meeting but only if majority vote of the Members of Council present, allow it.

No delegation or presentation shall relate, speak or refer to the following matters:

- Personnel matters;
- Litigation or potential litigation;
- Planning matters that have already had a public meeting; or,
- Any item considered confidential.

## **7.7 Public Meetings**

This section shall apply to all public meetings held under the provisions of provincial legislation, such as the Planning Act, R.S.O. 1990, c. P.13, as amended.

At the commencement of any public meeting, the Chair shall:

- a) state the item(s) being considered;
- b) list any specific properties to which it applies, if any;
- c) should the public meeting be called due to an application for an amendment to a by-law or official plan, state the name of the organization or individual making the application.

If public notice of the meeting is required by any provincial statute, the Clerk or their designate shall read the manner in which notice was provided and the dates on which it was provided.

Council shall call presentations and delegations in the following order:

- a) presentation by staff, if any;
- b) joint delegation of the applicant and/or their representative, if any.

All members of the public in attendance shall be provided the opportunity to make oral representations to Council during the public meeting.

Any members of the public addressing Council shall declare:

- a) their name;
- b) if addressing Council as a private individual, their municipality of residence;
- c) if addressing Council as a representative(s) of an organization, the name of the organization they are representing and title of the presenters;
- d) if addressing Council on behalf of another party as a consultant, spokesperson, legal representative, or other such relationship, the individual or organization they are representing.

All members of the public addressing Council at a Public Meeting will be given sufficient time to provide their comments. However, the Chair at their discretion, has the ability to limit a person's time if no new information is being provided within their comments. Where a written submission of comments from a member of the public has been provided to the appropriate department responsible for the Public Meeting, and they still wish to present their comments orally as well, the Chair can request that any of their oral comments that reflect their written comments, be a summary.

Each member of the public shall only be provided one opportunity to present their comments orally. When an organization or group is providing comments orally, they shall appoint one person to present their comments.

### **7.8 Council Reports and Community Announcements**

Members of Council have the opportunity to submit a report to Council recommending a course of action, the same as a staff would do through a Department report. A Member of Council wishing to submit a report to be included on the agenda, must submit their completed report to the Clerk by 12:00 noon, one week prior to the Council meeting.

Additionally, Community Announcements is the opportunity for Members of Council to provide updates and information of community significance to the public. Such announcements can include upcoming public events, update on Committee or Board activities of interest, County of Simcoe updates, etc. Members of Council are encouraged not to provide personal updates on private residents of the community unless it's for a commendation, celebration, etc. that is appropriate to be publicly shared.

### **7.9 Notice of Motion**

In order to submit a notice of motion, the Member of Council shall provide the written motion to the Clerk by Monday 12:00 noon, one week prior to the Council Meeting. A verbal notice of motion will not be accepted. A Notice of Motion will not be debatable until the second meeting in which the motion appears in writing on the Council agenda.

### **7.10 Minor Corrections**

The Clerk is hereby authorized to make minor deletions, additions or other housekeeping changes in form to any by-law before same is signed and sealed, for the purpose of ensuring correct and complete implementation of the actions of Council forming the subject matter of the by-law.

### **7.11 Request for Clarification**

Members of Council are encouraged to contact the appropriate Senior Manager or Supervisor prior to a Meeting to raise questions or clarify issues relevant to a

matter on the agenda. Members shall not give direction to staff except through majority vote.

## **8. Motions**

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### **8.1 Open to Discussion**

Every motion, when duly moved and seconded, shall be open to discussion. A motion or amendment thereto, may not be withdrawn without the consent of the mover and seconder.

### **8.2 Option Motions**

In some instances, Members of Council are presented with a motion providing options to choose before finalizing the motion. In these instances, the Chair may read aloud the motion outlining the different options to choose from, and then the motion can be open to discussion without a mover and a seconder. Once discussion has occurred on the options, the Chair shall ask for a mover and a seconder for one of the options to complete the motion. Once a complete motion is on the floor, members have the opportunity to discuss the motion in its entirety prior to being put to a vote.

### **8.3 Chair Moving a Motion**

The Chair shall not move or second any motion but shall vote on every motion.

The Chair may appoint a Member to preside in their place and vacate the chair in order to move or second a motion. The Chair shall resume the chair following the vote on the matter.

### **8.4 No Secunder**

A motion that has not been seconded will not be recorded in the minutes.

### **8.5 Motion on Agenda Items**

A new motion, when duly moved and seconded, is permitted on any agenda items that has been published as part of the public record.

### **8.6 Voting on Motions and By-Laws**

Every Member present at a Meeting when a question is put, shall vote thereon unless otherwise prohibited by statute, in which case it shall be recorded.

A motion may be voted against by the mover and seconder.

Each Member present and voting shall announce or indicate their vote upon the motion or by-law, openly and individually, and no vote shall be taken by ballot, or any other method of secret voting.

If any Member at a Meeting when a question is put does not vote, they shall be deemed to have voted in the negative except where prohibited from voting by statute.

The vote on a motion may only be called after each Member who wished to speak has spoken once.

If a Member disagrees with the announcement of the Chair that a question is carried or lost, they may, but only immediately after the declaration by the Chair, object to the Chair's declaration and request that the vote be retaken.

In considering unrecorded votes, the manner of determining the decision of the Council or Committee on a motion shall be at the discretion of the Chair and may be by voice, show of hands, standing or otherwise.

In considering recorded votes the Clerk shall ask Members to announce their vote openly and any failure to vote by a qualified Member shall be deemed to be a negative vote. The Clerk shall record the names of those who voted for and of those who voted against, in the minutes and announce the results.

### **8.7 Tie Votes**

Any motion of which there is a tie vote shall be deemed to be decided in the negative.

### **8.8 Recorded Vote**

When a recorded vote is requested by a Member, the Clerk shall call the vote and record the name and vote of every Member on any question. The order of the vote shall be recorded in the following manner:

- a) first, the requester of the recorded vote shall vote;
- b) then in numerical order by Ward designation, each Councillor shall vote followed by the Deputy Mayor and then the Mayor last.

A request by a Member for a recorded vote shall be made immediately prior to the commencement of the vote being taken or immediately thereafter and before any other item of business is brought forward.

When the Chair calls for a vote on a question, each Member shall occupy their seat and shall remain in their seat until the result of the vote has been declared by the Chair.

After a question is put on the floor by the Chair, no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.

## **8.9 Divide the Motion**

Upon the request by any Member, and when the Chair is satisfied that a question under consideration contains distinct proposals, the vote upon each proposal shall be taken separately.

## **8.10 Order of Precedence of Motions**

When a vote is taken the precedence of motions is as follows, unless otherwise decided by the Council, Committee or Board:

- a) Motion to Defer, including a motion to Refer the question;
- b) Motion to amend the main motion; and
- c) Motion to adopt the main motion or to adopt as amended, if any amendments have been carried out.

## **8.11 Motion to Defer**

A motion to Defer means that the matter is to be dealt with at the next meeting of the same body, or at the meeting of the same body which is specified in the motion to defer.

A motion to Defer a matter that has been previously Deferred shall require a majority vote of Council.

## **8.12 Motion to Refer**

A motion to Refer a matter to staff shall include the reasons for the Referral. If the motion is to be referred to an advisory committee, the motion shall name the Committee to which it is referred.

## **8.13 Amendments to Motions**

Only one amendment can be presented to the main motion at one time.

An amendment must be similar to the motion which it is proposed to amend and cannot negate the intent of the original motion.

A Friendly Amendment can be made to a motion under debate with the consent of the mover and seconder, and without the requirement for an amending motion to be made.

## **8.14 Motion to Reconsider**

Council may reconsider an entire resolution that was decided during any term of Council. A reconsideration of a portion of a resolution shall not be permitted. The whole resolution must be reconsidered.

No resolution shall be reconsidered more than once during the term of Council.

A resolution that was decided by Council cannot be reconsidered if action has been taken in implementing the resolution resulting in legally binding commitments, including financial, and are in place on the date the motion to reconsider is considered by Council.

If Council passes a resolution and adopts the same matter by by-law, only the resolution may be reconsidered. If the decision resulting from the reconsideration warrants, the by-law will be amended or repealed accordingly.

A motion to reconsider shall be introduced by way of written resolution on the Council agenda.

A motion to reconsider:

- a) is not debateable;
- b) is not amendable;
- c) cannot be considered if the action approved in the motion cannot be reversed;
- d) suspends action on the motion to which it applies until it has been decided.

Only a Member who voted with the majority in respect of a previous decision or who was absent from the vote or was not a member at the time may move or second a motion for reconsideration. Each Member of Council shall be responsible for making a determination on how the Member voted on a specific matter.

No debate on a motion to reconsider a decided matter shall be permitted. However, the mover of a motion to reconsider may provide or may make a brief and concise statement outlining the reasons for proposing such consideration.

A motion to reconsider must be carried in the affirmative by Majority of Council to move forward with the reconsideration.

If a motion to reconsider is decided in the affirmative:

- The reconsideration effectively returns Council to just prior to the original Council decision.
- Reconsideration of the original motion shall then be the next order of business unless the motion specifies a future date.

### **8.15 Adoption in a Single Motion**

One or more report items and/or by-laws on a meeting agenda may be adopted in a single motion.

## **9. Rules of Debate**

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### **9.1 Speaking to a Question or Motion**

Every Member, prior to speaking to any question or motion shall first be recognized by the Chair.

When a Member is speaking, no other Member shall pass between them and the Chair or interrupt them, except to raise a point of order or personal privilege.

Any Member may require the question or motion under discussion to be read at any time during the debate but not as to interrupt a Member while speaking.

Subject to the discretion of the Chair, any Member may speak initially on a motion for a maximum of two (2) minutes followed by any other Member, including the mover of the motion wishing to speak a second time for a further two (2) minutes. The mover may reserve the right to be the last speaker on a motion.

When a Member has been recognized as the next speaker, then immediately before speaking such Member may ask a question of the Chair on the matter under discussion but only for the purpose of obtaining information, following which the Member shall speak to the motion.

### **9.2 Points of Order or Privilege**

A point of order may be called by a Member to bring attention to:

- a) any breach of the rules of procedure of Council, Committee or Board;
- b) the use of improper, offensive or abusive language; or,
- c) statement of the fact that the matter under discussion is not within the scope of the proposed motion.

When a Member wishes to raise a point of order, the Member shall ask leave of the Chair to raise the point of order and after leave is granted the Member shall state the point of order to the Chair and no further business shall be conducted until the Chair has decided and stated the point of order.

Thereafter, a Member shall only address the Chair for the purpose of appealing the Chair's decision to the Council or Committee.

Any Member may appeal the decision of the Chair to Council, a Committee or Board, which shall decide the question: "that Council (Committee or Board) oppose the decision of the Chair". Members shall vote upon the question without debate, deferral or adjournment, upon a majority vote of Members present. The Clerk shall call the vote and announce the results.

If no Member appeals, the decision of the Chair shall be final.

### **9.3 Late Arrival of Member**

If a Member arrives late to a Meeting, any prior debate or discussion shall not be reviewed without the unanimous consent of all Members present.

## **10. Severability**

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- 10.1. It is hereby declared that notwithstanding any section, subsections, clause, paragraph or provision of the by-law or parts thereof, may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or section or parts thereof shall be deemed to be severable and shall not affect the validity or enforceability of any other provisions of the by-law as a whole or part thereof and all other sections of the by-law shall be deemed to be separate and independent therefrom and enacted as such.
- 10.2. Whenever any reference is made in this by-law to a statute of the Legislature of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute and all successor legislation to such statute.

## **11. Repeal**

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- 11.1. That By-law 12-19 and all amending by-laws are hereby repealed.

## **12. Force and Effect**

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- 12.1. This By-law shall take force and effect upon final passage hereof.

**By-law Number 24-XX read a first, second and third time and finally passed this XX day of XXXXXXXX, 2024.**

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Douglas Measures, Mayor

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Sasha Helmkey, Clerk/Director of Legislative Services



# Procedure By-law Review Council Feedback & Proposed Changes

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This form is for each Council member to complete, outlining any proposed changes and feedback in relation to the new draft Procedure By-law that has been provided to Council. The form has been organized by each main heading of the draft Procedure By-law, looking for new additions, rewording or removal of sections (if any). These forms will be utilized by staff to prepare for meeting(s) with Council to provide recommendations and further updates to the draft Procedure By-law. They will help streamline the discussion and identify the key areas Council are interested in reviewing.

The completed forms will form part of the public record for the meeting(s). These **Feedback forms are to be completed and sent to the Clerk at [shelmkay@clearview.ca](mailto:shelmkay@clearview.ca) by Tuesday, August 6, 2024, at 4:30 p.m.**

Council Member Name: \_\_\_\_\_

## Section 1 – Definitions

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Proposed Change(s):

## Section 2 - General Provisions

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Proposed Change(s):



# Procedure By-law Review Council Feedback & Proposed Changes

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## **Section 3 - Roles and Responsibilities**

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Proposed Change(s):

## **Section 4 - Council Meetings**

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Proposed Change(s):



# Procedure By-law Review Council Feedback & Proposed Changes

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## **Section 5 - Closed Session Meetings**

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Proposed Change(s):

## **Section 6 - Committees and Boards**

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Proposed Change(s):



# Procedure By-law Review Council Feedback & Proposed Changes

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## **Section 7 - Council Meeting Agendas**

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Proposed Change(s):

## **Section 8- Motions**

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Proposed Change(s):



# Procedure By-law Review Council Feedback & Proposed Changes

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## **Section 9 - Rules of Debate**

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Proposed Change(s):

## **General Feedback/Comments**

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Proposed Change(s):